

REMARKS

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claim 1 has been amended. No claims have been added or cancelled. Hence, Claims 1-13 are pending in the application.

I. SUMMARY OF THE REJECTIONS/OBJECTIONS

A. OBJECTIONS

Claims 2-9 and 13 were objected to as being dependent claims that started with “A method” rather than “The method.” However, is nothing in CFR that requires the usage of “The method.” Indeed, 37 CFR 1.75(c) covers dependent claims but has no particular requirement of form. Furthermore, all examples of proper dependent claims in MPEP § 608.01(n) begin with “A.” The patent statute has no requirement, and no indefiniteness issue is raised in the Office Action. Thus, removal of the objection is respectfully requested.

Claim 9 was objected to because the terms “TDM” and “CCS” were not spelled out. The appropriate amendment has been made and, thus, the removal of the objection is respectfully requested.

B. REJECTIONS

Claims 1-2, 6-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Elliott et al.* (U.S. Patent No. 6,614,781; hereinafter *Elliott*) in view of *Zirojevic et al.* (US. Patent Application No. 2003/0035417; hereinafter *Zirojevic*).

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Elliott* in view of *Zirojevic*, and further in view of *Miyazawa et al.* (US. Patent Application No. 2001/0003189; hereinafter *Miyazawa*).

For the reasons given hereafter, these rejections are traversed.

II. THE REJECTIONS BASED ON THE PRIOR ART

Claims 1-2, and 6-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Elliot* in view of *Zirojevic*.

A. CLAIM 1

Claim 1, as amended, recites the steps of:

creating and storing a virtual switch object, wherein the virtual switch object represents a virtual switch, in a packet-switched voice network, having a media gateway controller and one or more associated media gateways;
receiving user input that specifies a configuration operation on the virtual switch and one or more parameter values; and
automatically issuing one or more configuration instructions to both the media gateway controller and the media gateway, resulting in configuring both the media gateway controller and the media gateway as specified in the user input (emphasis added).

Claim 1 teaches the step of creating a virtual switch object which represents a virtual switch in which the virtual switch has a media gateway controller and one or more associated media gateways. Claim 1 has been amended to clarify that the virtual switch is in a packet-switched voice network. Without limiting the scope of the claim, one of the many benefits of having a virtual switch object is to encapsulate and abstract the packet-switched network elements and to facilitate provisioning the packet-switched network elements. Thus much of the underlying complexity of a packet switched network is hidden from users, which simplifies network management.

Neither of the references, *Elliot* and *Zirojevic*, cited in the Office Action, alone nor in combination teach or suggest the elements of Claim 1. *Elliot* and *Zirojevic* are aimed at two completely different objectives. *Elliot* teaches a method for transmitting voice information

over a packet-switched network that is adapted to coexist and communicate with a legacy Public Switched Telephone Network (PSTN) (col. 4 lines 31-34). *Zirojevic* teaches a method for graphically defining a route through one or more switches where the switch devices are used to connect to test instruments to test points on a unit under test ([0002]).

The Office Action states that it would have been obvious “to include one or more associated gateway[s] in the virtual switch as taught by *Zirojevic* in the assembly of *Elliott* in order to combine/integrate the gateways with the gateway controller for better management.” It is respectfully submitted that not only does *Zirojevic* not teach “one or more associated gateway[s] in a virtual switch,” but also there is nothing in *Elliott* nor *Zirojevic* that teaches or suggests combining their respective teachings.

The Office Action admits that *Elliott* does not teach that a virtual switch object contains one or more associated media gateways. In fact, *Elliott* only mentions the term “virtual” once (col. 45 line 2), and that is in connection with “Gatekeeper 5808” which *Elliott* stated “is not required” (col. 45 line 34).

The Office Action states that “*Zirojevic* teaches a virtual switch as a software object representing one or more hardware switch devices (gateways) contained in the switching system.” However, *Zirojevic* says nothing about gateways. The “switches” referred to in *Zirojevic* are electrical switches, specifically mechanical relays and solid-state switches ([0012]), and thus do not relate to networks, much less packet-switched networks. In fact, *Zirojevic* suggests nothing about, nor mentions the terms, “gateways,” “packets,” or “networks.” Thus, *Zirojevic* is not in the same technical field as Claim 1. Because *Zirojevic* discloses a different structure for a different purpose and is not reasonably pertinent to the

problem with which the inventor is concerned, *Zirojevic* should be withdrawn as a reference as non-analogous art (see MPEP § 2141.01(a)).

Therefore, because *Elliott* does not teach or suggest virtual switches and *Zirojevic* does not teach or suggest virtual switches having one or more media gateways, or even switches, in a packet-switched voice network, it is not possible to combine the references to teach the method of Claim 1. Even assuming that the references are combinable, the Office Action gives no teaching, suggestion, or motivation to combine the virtual switch representing one or more hardware switches, as taught by *Zirojevic* ([0127]), with the soft switch network as taught by *Elliott*, in order to teach the steps of Claim 1. Indeed, the rationale of the Office Action for combining the references is entirely conclusory.

Furthermore, neither *Elliot* nor *Zirojevic* disclose the step of **automatically issuing one or more configuration instructions to both the media gateway controller and the media gateway after receiving user input that specifies the configuration operation only on the virtual switch**. As stated above, *Zirojevic* mentions nothing about gateways because it is not in the same field of invention. With regard to *Elliott*, no where does *Elliott* teach or suggest that one or more configuration instructions are automatically issued after user input is received on the virtual switch. In fact, nothing in *Elliott* suggests receiving input for a virtual device, and then automatically issuing one or more configuration instructions to real devices. Therefore, the references cited also do not teach or disclose, alone or in combination, the third step of Claim 1. It is therefore respectfully submitted that Claim 1 is patentable over *Elliott* and *Zirojevic*.

B. CLAIMS 10-12

Independent Claims 10-12 are either computer-readable medium or apparatus claims that are based on Claim 1 and recite the steps of Claim 1 discussed above. It is therefore

respectfully submitted that Claims 10-12 are also patentable over *Elliot* and *Zirojevic* for the same reasons cited above for Claim 1.

C. CLAIMS 2-9, and 13

Claims 2-9, and 13 not discussed so far are dependent claims that depend on an independent Claim 1 discussed above. Because each of the dependent claims includes the limitations of the claim upon which they depend, the dependent claims are patentable for at least those reasons given above for Claim 1. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. However, due to the fundamental differences already identified for independent Claim 1, a separate discussion of those limitations are not included at this time.

III. CONCLUSION

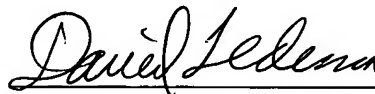
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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on September 26, 2005

by Darci Sakamoto
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